



**U.S. Department of Justice**

*United States Attorney  
Eastern District of New York*

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271 Cadman Plaza East  
Brooklyn, New York 11201

August 16, 2019

**By ECF and Email**

Michael Schachter, Esq.  
Randall W. Jackson, Esq.  
Casey Donnelly, Esq.  
Willkie Farr & Gallagher LLP  
787 Seventh Avenue  
New York, NY 10019-6099

Re: United States v. Jean Boustani, et al.  
Criminal Docket No. 18-681 (WFK)

Dear Counsel:

Pursuant to Rules 16(a)(1)(G) and 26.1 of the Federal Rules of Criminal Procedure, we write to provide notice that the government may call the Honorable Helena Susano as a foreign law expert in the above-referenced case. Specifically, we may call Judge Susano at a pretrial hearing to testify regarding the relevant aspects of the laws of the Republic of Mozambique (“Mozambique”) relating to anti-corruption and bribery of public officials.<sup>1</sup> The government reserves the right to substitute this expert with another expert witness, and will timely advise the defense of any changes in witnesses. We make the following disclosures pursuant to Rules 16(a)(1)(G) and 26.1, and we request expert witness disclosure from you pursuant to Rules 16(b)(1)(C) and 26.1.

- **Qualifications:** Judge Susano has been a judge assigned to the Central Instance of the District Court for Lisbon Portugal since 2001, and a faculty member at the Center for Judicial Studies since 2014. Judge Susano’s training and professional experience are in criminal law in Portugal and in African countries whose official language is Portuguese, including Mozambique. Since 2016, Judge Susano has been the Coordinator of the

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<sup>1</sup> Please be advised that the government intends to raise any issues relating to the laws of Mozambique as issues of foreign law pursuant to Rule 26.1, and to request that the Court resolve any foreign law determinations as a matter of law before trial, while considering any relevant materials or sources, including the statutes of Mozambique referenced herein, as well as related materials and live testimony and/or affidavits.

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Criminal Section at the Center for Judicial Studies and has written and spoken extensively on criminal procedure and laws, including anti-corruption, money laundering and the criminal and procedural law of Mozambique. As part of her experience, Judge Susano has taught courses in Mozambique in the areas of criminal law and procedure, as well as money laundering and corruption. Judge Susano has also authored numerous articles and publications, including on the criminal law of Mozambique. Judge Susano's testimony would be based on her training, education, and experience as described in her *curriculum vitae*, a copy of which is enclosed as Exhibit A,<sup>2</sup> as well as her review of relevant material, including Mozambique's constitution, its laws and regulations, court decisions, scholarly publications.

- Testimony: If called as a witness, Judge Susano is expected to testify about the scope, elements, and application of the anti-corruption and bribery laws in Mozambique from 2010 to the present, including: Articles 6, 19-20, 22-23, 63, 104, 105, 318, 321-323 & 327 of the Penal Code ("1886 Penal Code"); Articles 2, 64, 501-503 & 522 of Law No. 35/2014 ("2015 Penal Code"); Articles 1, 2 & 8 of Law No. 7/98; Articles 2, 7, 8, 9 & 11 of Law No. 6/2004; Articles 1, 3-4, 29-32, & 40-41 of Law No. 16/2012; Articles 15 & 20 of Law No. 17/91; Article 2 of Law No. 15/91; Articles 3 & 17 of Law No. 6/2012; Article 103 of Law No. 7/2012; Articles 2 & 19 of Law No. 3/2018; and Law No. 2/81. A copy of the original Portuguese version of each statute will be provided, along with a certified translation of the relevant provisions.

We expect that Judge Susano would testify that Mozambican law criminalizes both the solicitation or acceptance of a bribe by a public official and the bribery of public officials, as provided in the statutes identified above, particularly Articles 64 & 501-503 of the 2015 Penal Code, Articles 318 & 321 of the 1886 Penal Code, Law No. 6/2004 and Law No. 7/98. We would also expect Judge Susano to testify regarding the types of individuals who would be considered to be public officials under Mozambican law, as well as the characteristics of entities that would be considered to be part of the government under Mozambican law.

- Testimony Bases and Reasons: The bases and reasons in support of Judge Susano's testimony are her training and experience in matters of Mozambican law, as described above, as well as the relevant statutes, including those cited herein.

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<sup>2</sup> Exhibit A is comprised of Judge Susano's *curriculum vitae* in Portuguese, along with a certified translation.

Defense Counsel

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Please let us know if you have any questions, or would like to further discuss any matters raised above.

Very truly yours,

DEBORAH L. CONNOR  
Chief, Money Laundering &  
Asset Recovery Section  
Criminal Division  
U.S. Department of Justice

RICHARD P. DONOGHUE  
United States Attorney

By: \_\_\_\_\_/s/  
Margaret A. Moeser  
Trial Attorney  
(202) 598-2345

By: \_\_\_\_\_/s/  
Mark E. Bini  
Hiral Mehta  
Assistant U.S. Attorneys  
(718) 254-8761/6418

ROBERT A. ZINK  
Chief, Fraud Section  
Criminal Division  
U.S. Department of Justice

By: \_\_\_\_\_/s/  
Katherine Nielsen  
Trial Attorney  
(202) 616-5672

Enclosure

cc: Clerk of the Court (via ECF) (w/o enclosures)